

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7083

BILL NUMBER: HB 1237

DATE PREPARED: Jan 2, 2002

BILL AMENDED:

SUBJECT: Pager Identification.

FISCAL ANALYST: Karen Firestone

PHONE NUMBER: 317-234-2106

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill requires a company that sells, leases, or rents a pager to others to obtain valid identification and a verifiable mailing address from the customer. The bill also provides that a violation is a deceptive act and is subject to the penalties for a deceptive act under the Deceptive Consumer Sales Law.

Effective Date: July 1, 2002.

Explanation of State Expenditures: The bill provides for a violation of the Deceptive Consumer Sales Act if a company sells, leases, or rents a pager (a wireless device that receives messages, but is not a radio, cellular telephone, or wireless personal data assistant) without obtaining a valid identification and verifiable mailing address from the customer. The penalties for violation of the Deceptive Consumer Sales Act includes damages actually suffered and attorney fees incurred by an individual or class bringing suit. Additionally, the Attorney General may bring action to enjoin a deceptive act or collect a civil fine of up to \$500.

Explanation of State Revenues: If additional court cases occur, revenue to the state General Fund may increase if civil judgments and court fees are collected. The civil fine is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$100 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$100 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the

county general fund, and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Attorney General.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: